

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In re:) Chapter 13
Andres Reyes)
) No. 22-10299
)
Debtor) Judge Janet S. Baer

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on 6/16/2023, at 9:30AM, I will appear before the Honorable Judge Janet S. Baer, or any judge sitting in that judge's place, **either** in courtroom 615 of the Everett McKinley Dirksen Building, 219 South Dearborn, Chicago, Illinois, **or** electronically as described below, and present the motion of Codilis & Associates, P.C. for Lakeview Loan Servicing, LLC, a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government (audio only).

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 160 731 2971, and the passcode is 587656. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

/s/ Joel P. Fonferko
Attorney for Movant

Rachael A. Stokas ARDC#6276349

Peter C. Bastianen ARDC#6244346

Joel P. Fonferko ARDC#6276490

Berton J. Maley ARDC#6209399

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Codilis & Associates, P.C.

15W030 North Frontage Road, Suite 100

Burr Ridge, IL 60527

(630) 794-5300

bkpleadingsNORTHERN@il.cslegal.com

File No. 14-22-07216

NOTE: This law firm is a debt collector.

CERTIFICATE OF SERVICE

I, Joel P. Fonferko, certify that I served a copy of this notice and the attached motion on each entity shown on the service list below at the address shown and by the method indicated on the list on June 5, 2023.

Glenn B Stearns, Chapter 13 Trustee, 801 Warrenville Road Suite 650, Lisle, IL 60532 by electronic notice through ECF

Andres Reyes, Debtor, 659 W. Albert St., Elmhurst, IL 60126 by pre-paid first class U.S. Mail

David Freydin, Attorney for Debtor, 8707 Skokie Blvd Suite 312, Skokie, IL 60077 by electronic notice through ECF

Office of U.S. Trustee, 219 S. Dearborn St., Room 873, Chicago, IL 60604 by electronic notice through ECF

/s/ Joel P. Fonferko
Attorney for Movant

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Andres Reyes

Debtor

Chapter: 13

No.: 22-10299

Judge Janet S. Baer

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Lakeview Loan Servicing, LLC, (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division;

2. The Debtor is indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 659 W Albert St, Elmhurst, IL 60126-3001;

3. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor filing of this petition on 9/9/2022;

4. The Chapter 13 plan herein provides for the cure of the default of said mortgage and maintenance of current payments during the pendency of the proceeding;

5. Pursuant to the plan, Debtor is to disburse the current monthly mortgage payments directly to Movant beginning with the first payment due after the filing of the Chapter 13 Bankruptcy (subject to periodic adjustment due to change in escrow);

6. Movant is entitled to relief from the automatic stay under 11 U.S.C. Section 362(d) for the following reasons:

- a) As of 05/23/2023, the Debtor is past due for the 2/1/2023 payment, and all amounts coming due since that date. Any payments received after this date may not be reflected in this default;
- b) As of 05/23/2023, the total post-petition default through and including 5/1/2023, is \$10,469.27, which includes a suspense credit of \$215.17. Any payments received after this date may not be reflected in this default. This amount includes post-petition attorney fees in the amount of \$1,238.00;

7. Said failure to make post-petition mortgage payments is sufficient grounds for relief from the automatic stay for cause pursuant to 11 U.S.C. Section 362(d)(1);

8. This Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

9. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding:

\$1,050.00 for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same
\$188.00 for Court filing fee

10. Attached are redacted copies of any documents that support the motion for relief, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

WHEREFORE, Lakeview Loan Servicing, LLC prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) modifying the automatic stay as to Movant, and for such other and further relief as this Court may deem just and proper.

Dated this June 5, 2023.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Joel P. Fonferko
Attorney for Movant

Rachael A. Stokas ARDC#6276349

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